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FACSIMILE COVER SHEET

TO:Anthony Stashick	FAX NUMBER:703 872 9306
COMPANY:U S P T O	NUMBER OF PAGES INCLUDING THIS COVER:2
FROM: MILTON WOLSON	
DATE: Feb.4,2005	
SUBJECT:S N 09/977463	
OUR FILE:GEO-55	

MESSAGE:

Dear Mr. Stashick;

I received the enclosed Notice of Improper Request for Continued Examination,dated February 1,2005.

Please let me know the name of the person who signed the paper.

Also, please let me know why the Amendment Under Rule 116, filed December 8,2004, was not the submission required by 37 CFR 1.114.

Thank You

Milton Wolson

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**United States Patent and Trademark Office**  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
			REC

S.N. 09/977463

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DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE) 16265

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4/13/85 is improper for reason(s) indicated below:

- Improper for reason(s) indicated below:
- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). ~~An RCE cannot be treated as a CPA.~~
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.63(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions concerning this notice to:

Direct reply and only \_\_\_\_\_ Technology Center 3700  
B. Patton  
 (703) 30 \_\_\_\_\_

FORM PTO-2051 (Rev. 7/2003)